

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
NO. 2:17-cv-01731-TSZ

STRIKE 3 HOLDINGS, LLC, a  
Delaware corporation,

DEPOSITION OF:

Plaintiff,

JOHN PASQUALE

vs.

JOHN DOE, subscriber assigned IP  
address 73.225.38.130,

Defendants.

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JOHN DOE, subscriber assigned IP  
address 73.225.38.130,

Counterclaimant,

vs.

STRIKE E. HOLDINGS, LLC,  
Counterdefendant.

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BEFORE: ESTHER J. HODGE, a Certified  
Court Reporter and Notary Public of the State of  
New Jersey, held at the offices of DEPOLINK, 100  
Eagle Rock Avenue, East Hanover, New Jersey, on  
Wednesday, April 17, 2019, commencing at 9:40  
a.m., Pursuant to Notice.

1 Q Brother?

2 A Nephew.

3 Q Your daughter's husband -- sister's  
4 child?

5 A My brother's son. There's a lot of  
6 us in this business.

7 Q It's a busy business.

8 A Indeed.

9 Q You have your declaration there, so  
10 why don't we take a look at the second page?

11 Looking at Paragraph 1, did you draft that  
12 statement?

13 A No, I did not.

14 Q And Paragraph 2, did you type up or  
15 draft this statement?

16 A No.

17 Q The same with Paragraph 3?

18 A No.

19 Q How about Paragraph 4?

20 A No.

21 Q And Paragraph 5?

22 A No.

23 Q What about Paragraph 6?

24 A No.

25 Q Paragraph 7, it has a date and time

1 and an IP address. Did you draft this statement?

2 A No, I did not.

3 Q Do you recall when you received

4 that PCAP from IPP?

5 A I really couldn't tell you.

6 Q Do you know who IPP is?

7 A IPP for this transaction is

8 listed --

9 Q It says "company" there.

10 A I know of them, but do I know them?

11 No. Have I had a conversation with them? No.

12 Q Do you use email communications

13 with anybody at IPP?

14 A No.

15 Q Who sends you the PCAP?

16 A Paul does.

17 Q Your nephew?

18 A My son. Philip is my nephew.

19 Write it down.

20 Q Your son is also involved in the

21 business?

22 A There's a lot of P's. My son owns

23 7 Rivers Systems.

24 Q So we've got Paul, your son, owns 7

25 Rivers Systems. Is he a computer guy?

1 A From experience.

2 Q But you didn't draft that  
3 statement?

4 A No, I did not.

5 Q And you testified earlier that  
6 you've never had experience sending subpoenas to  
7 ISPs?

8 A That's correct.

9 Q You testified earlier -- and I want  
10 to make sure. In Paragraph 7 of your declaration  
11 you said, "I received a PCAP from IPP," but I  
12 understood you received a PCAP from Paul on JIRA.

13 A Correct.

14 Q So why doesn't that sentence say,  
15 "I received a PCAP from Paul on JIRA containing  
16 information relating to the transaction"?

17 A I would assume that 7 Rivers  
18 Systems is the handler, but the original document  
19 comes from IPP.

20 Q That's an assumption. Correct?

21 A Yeah, I guess so.

22 Q So Paragraph 7 did you -- you  
23 didn't draft Paragraph 7?

24 A As I said, I didn't draft this  
25 document. I reviewed the document. I look at the

1 A I do not have any evidence that IPP  
2 recorded the transaction, no.

3 Q What I want to do is understand  
4 every statement you've made in this statement  
5 because it's very important.

6 A From my understanding and from the  
7 agreement with 7 Rivers, IPP is the firm that  
8 captures these different transactions. They're  
9 then given to Strike 3 Holdings and then passed on  
10 to 7 Rivers.

11 Q So what you just said is that  
12 that's the word -- that's what the word "confirm"  
13 means. That's the level of your confirmation?

14 A Uh-huh.

15 Q So you didn't confirm it by talking  
16 to somebody from IPP?

17 A I confirmed it with Paul.

18 Q Paul is not mentioned in this  
19 declaration.

20 A Paul is 7 Rivers Systems.

21 Q I see "7 Rivers Systems" here, but  
22 I don't see the word "Paul," and then somebody  
23 maybe at 7 Rivers Systems confirmed it with IPP.  
24 Correct, to your level of understanding?

25 A I'm sure they did.

1 Q But did you ever speak with a Ben  
2 Praino?

3 A No.

4 Q How about Tobias Fieser?

5 A No.

6 Q Daniel Arheit?

7 A No.

8 Q Have you visited the IPP facility?

9 A No.

10 Q Do you know where it's located?

11 A I believe they're in Germany, but  
12 I'm not a hundred percent sure.

13 Q Did you ever ask to visit the IPP  
14 facility?

15 A No.

16 Q Did you ever ask to speak to  
17 anybody at IPP?

18 A No.

19 Q Why not?

20 A It's not part of my job  
21 description. It's above my pay grade.

22 Q Do you know that these declarations  
23 have been used in lawsuits?

24 A Yes.

25 Q Have you ever been sued?

## 1 C E R T I F I C A T E

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3 I, ESTHER J. HODGE, a Certified Court  
4 Reporter and Notary Public of the State of New  
5 Jersey, certify that the foregoing is a true and  
6 accurate transcript of the testimony of the  
7 aforementioned first duly sworn by me.

8 I further certify that I am neither  
9 attorney nor counsel for, nor related to or  
10 employed by any of the parties to the action in  
11 which the deposition is taken, and further, that I  
12 am not a relative or employee of any attorney or  
13 counsel employed in this case, nor am I  
14 financially interested in the action.

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22 CERTIFIED COURT REPORTER  
23 NOTARY PUBLIC OF NEW JERSEY  
24 CERTIFICATE NO. XI01179  
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